

**COMMISSION ON SECLUSION & RESTRAINT IN
SCHOOLS**

November 2nd, 2018
IDOE Offices, 6th Floor, PNC Building
115 W. Washington Street
Virgil Grissom Conference Room
11:00 A.M.

Commission Member Name	Title	Organization	Present (Y/N); note if by phone
Dr. Ken Folks	Chair	Indiana Department of Education	Y
Dr. William Reichart	Member	Assoc. of Public School Superintendents	Y
Greg Boyce	Member	Autism Society of Indiana	N
Kim Dodson	Member	The Arc of Indiana	N
Nikki Sprunger	Member	ICASE	Y
Stephen McCaffrey	Member	Mental Health America	Y
John Elcesser	Member	Nonpublic Education Association	Y
Nicole Hicks	Member	Parent	Y
Jean Renk	Member	Parent	N
Mike Johnson	Member	Indiana School Resource Officer Association (INSROA)	Y

Attendance: (Non-commission members):

Andrew Bernlohr	Director of Legal Affairs
Julianne Dale	Legal Affairs Legal Assistant
Nicola Mousdicas	Staff Attorney

Meeting Minutes

I. Call to Order

Chair, Dr. Ken Folks, called the Commission on Seclusion and Restraint in Schools to order at 11:05 AM, November 2nd, 2018, at the Indiana Department of Education.

Motion to Approve 9.7.18 Minutes – Nikki Sprunger

2nd by: Nicole Hicks

6Y-0N

II. Final Rule

The Commission was presented the final amended version of the rule after receiving technical and form edits from LSA. The next step for the Commission to take to approve and advance the final rule for the Attorney General and the Governor’s Office to review and approve. Please note that language that is bolded in the rule is new and accepted language while language that has the strikethrough effects has been removed from the rule. There has been no substantive changes to the rule since its submission to LSA. The Commission revisited the 3% incident report audit random sampling requirement of suburban, urban, and rural schools. It has been yet to be determined how and what division will be responsible for the 3% incident report audit of the incident reports. There was a suggestion that at the next meeting for the Commission to propose at the next meeting to determine committee representation for reviewing the

incident report. The Commission moved to accept the final rule subject to changing the 3% incident reporting language in 513 IAC 1-2-9 (c) to not less than 3% instead of not more than 3%.

*Motion to Approve Final Rule Subject to Change in 513 IAC 1-2-9 (c) – Will Reichart
2nd by: Steve McCaffrey*

*Motion to Adopt Final Rule – Ken Folks
2nd by: Niki Sprunger
7Y-0N*

III. Model Plan

The Commission reviewed suggested amendments and edits to the Seclusion and Restraint Model Plan. The Commission incorporated content from the SRO perspective thanks to Mike Johnson. There was an additional change that addresses the procedure an officers follows when there is an incident whether it is the school policy versus their law enforcement agency policy. The Department will post the revised model plan upon approval.

*Motion to Adopt Model Plan with SRO edits – John Elcesser
2nd by: William Reichart
7Y-0N*

IV. Complaint Form Preview – Reports Related to the Use of Seclusion & Restraint

The Commission then reviewed the Reports Related to the Use of Seclusion & Restraint form and there was concerns raised about the form, responsibility to respond, and FERPA. Nikki Sprunger shared concerned that the form may confuse the public into thinking this is a form intended to make an Article 7 or special education complain. Director of Legal affairs explained that the form is intended to address only the 3 areas listed on the form and it is not intended to replace Special Education’s Due Process. In addition, he explained that there is a FERPA exception for the work that the Commission intends to do to comply with the statute. Dr. Reichart suggested that maybe the schools have the ability to review and responds to the public reports before the Commission reviews and addresses the report. He also shared his concern that any person including a non-custodial parent to report the form. The Commission revisited the purpose of the form whether it is for monitoring or resolving student issues. Nikki Sprunger suggested the preamble be changed to clarify the purpose of the form to be solely reporting. The suggested language would be “*The Indiana Department under the direction of the Commission on Seclusion and Restraint in Schools (IC 20-20-40) will accept incidents reports related to the use of seclusion and restraint in*

Approval Date: _____

schools. The intent of this form is to report concerns regarding plan compliance, statute compliance, and/or data compliance. Please read the following instructions before filling out all sections of this form. This form should be used only when all avenues have been exhausted to have your plan, statute or data compliance issue resolved at your student's school.” The Commission decided to review the preamble/confidentiality section, signature, who can submit, and purpose of the report and bring it back to the next meeting.

V. Next Meeting

The Commission would like to return to the Reports Related to the Use of Seclusion and Restraint form at the next meeting.

VI. Commission Comments

Welcome to the Commission Dr. Reichhart.

Motion to Adjourn Meeting- John Elcesser

2nd by: Nikki Sprunger

Meeting adjourned Approved: 7Y-0N